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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 BRETT COMBS,

14 Defendant.
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Case No. 2:10-CR-173-KJD-RJJ

ORDER

16 Before the Court is the Government's Motion to Waive Attorney-Client Privilege and
17 Ordering Response from Comb's Former Counsel, Monique Kirtley (#186). Also before the Court is
18 the Government's Motion to Continue Response Date Until Former Counsel Provides Information
19 Requested in Motion to Waive Attorney-Client Privilege (#187).

20 Defendants waive their attorney-client privilege as to a given subject by alleging ineffective
21 assistance counsel as to that subject. See United States v. Ortland, 109 F.3d 539, 543 (9th Cir. 1997).
22 Defendant has filed a Motion to Vacate under 28 U.S.C. § 2255 (#170). Among the allegations are
23 ineffective assistance of his counsel, Monique Kirtley. Accordingly, Defendant has waived attorney-
24 client privilege as to his ineffective assistance of counsel claims.

25 Accordingly, **IT IS HEREBY ORDERED** that the Government's Motion to Waive
26 Attorney-Client Privilege and Ordering Response from Comb's Former Counsel, Monique Kirtley

1 (#186) is **GRANTED** as to all information relating to Defendant's ineffective assistance of counsel
2 claims. **IT IS FURTHER ORDERED** that Defendant's former Attorney, Monique Kirtley, provide
3 the Government and file with the Court an affidavit addressing Defendant's ineffective assistance of
4 counsel claims within 30 days of the entry of this Order.

5 **IT IS FURTHER ORDERED** that, upon review of the motion and good cause appearing,
6 the Government's Motion to Continue Response Date Until Former Counsel Provides Information
7 Requested in Motion to Waive Attorney-Client Privilege (#187) is **GRANTED**. The Government's
8 response is due within 30 days of the filing of Monique Kirtley's affidavit.

9 DATED this 31st day of October 2013.

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Kent J. Dawson
United States District Judge
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